

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Bobby L. Graham,

Plaintiff,

V.

United States Postal Service &
NPM Postal, LLC

Defendants.

Civil Action No.: 3:24-cv-6925-SAL

COMPLAINT

TO: THE DEFENDANT ABOVE-NAMED:

Your Plaintiff, complaining of the Defendant, would respectfully show unto this Honorable Court, the following:

PARTIES

1. The Plaintiff, Bobby L. Graham, is a citizen and resident of the County of Sumter, State of South Carolina and has been for more than one year prior to the commencement of this action.
2. Defendant, United States Postal Service, is a United States government agency operating in the city of Sumter, South Carolina.
3. Defendant, NPM Postal, LLC is a foreign limited liability company conducting business in Sumter, South Carolina by owning and leasing the Sumter County Post Office building located at 311 North Main St., Sumter, SC.

JURISDICTION AND VENUE

4. That the parties hereto, the subject matter hereof, and all things and matters hereinafter alleged are within the jurisdiction of this Honorable Court.

BACKGROUND

5. On or about July 8, 2022, the Plaintiff, Bobby L. Graham (“Ms. Graham”) was entering the United States Postal Service office located at 311 North Main Street, Sumter, South Carolina. As she entered the facility, Ms. Graham tripped over broken, cracked, uneven flooring causing her to fall, causing severe injury to both Ms. Graham’s knees, right shoulder, back, and a cut to her left leg.
6. Ms. Graham reported the fall to post office employees and was given the name of a supervisor along with phone numbers to the Post Office.
7. Ms. Graham has endured surgery, painful injections, and hours of physical therapy as a result of the fall.
8. Upon information and belief the US Postal Service leases the facility located at 311 N. Main St. from NPM Postal, LLC.

FOR A FIRST CAUSE OF ACTION

(PREMISES LIABILITY UNDER THE FEDERAL TORT CLAIMS ACT)

9. The Plaintiff reaffirms and reiterates all the allegations contained in the preceding paragraphs as if fully repeated, and all are incorporated by reference and re-alleged as if set forth fully herein verbatim.
10. On July 8, 2022, the Plaintiff entered onto the premises of the Defendant’s

- facility in good faith as an invitee and was injured by tripping on broken, cracked, uneven flooring in the middle of the entrance where customers commonly traverse while entering the facility.
11. The Plaintiff, Bobby Lee Graham, claims negligence on the part of the Defendants, the United States Post Office & NPM Postal, LLC, for failure to properly maintain and inspect the flooring in the facility.
12. The Plaintiff contends that this hazardous condition could have easily been prevented had the Defendants' employees fulfilled their duty of care by maintaining the floor and providing a safe environment for patrons.
13. The Plaintiff also asserts that the Defendant had actual and constructive knowledge of the hazard due to the fact that the Plaintiff was not the only customer to trip on the same area of broken flooring and the broken flooring was in view of the service counter.
14. The Plaintiff underwent surgery and extensive physical therapy as a result of this injury.
15. The Plaintiff still suffers pain from her injuries.

FOR A SECOND CAUSE OF ACTION

(NEGLIGENCE UNDER THE FEDERAL TORT CLAIMS ACT)

16. The Plaintiff reaffirms and reiterates all the allegations contained in the preceding paragraphs as if fully repeated, and all are incorporated by reference and re-alleged as if set forth fully herein verbatim.
17. The United States Postal Service and NPM Postal, LLC employees, who are

responsible for maintenance of the facility, who carelessly and recklessly failed to repair the damaged floor and warn of the hazard was acting in the course and scope of their employment.

18. The Defendants are vicariously liable for the actions and omissions of their employees pursuant to the law of agency and the doctrine of respondeat superior.

19. That the fall of July 8, 2022 and the Plaintiff's resulting injuries, and damages, were solely and proximately caused by the negligence, carelessness, recklessness, willfulness and wantonness of the Defendant United States Postal Service and their employees in one, more, or all of the following particulars:

- (a) by operating a facility in an unsafe condition;
- (b) by failing to maintain the floor in a safe manner;
- (c) by failing to repair the broken floor;
- (d) by failing to inspect the floor on a regular basis;
- (e) by failing to warn patrons of the hazardous condition;
- (f) by failing to correct the damage to the floor;;

(g) In failing to exercise the degree of care that a reasonable person would have under the same or similar circumstances; and such other particulars as will be learned through discovery and proven at trial.

20. That the fall of July 8, 2022 and the Plaintiff's resulting injuries, and damages, were solely and proximately caused by the negligence, carelessness, recklessness, willfulness and wantonness of the Defendant NPM Postal, LLC and their employees in one, more, or all of the following particulars:

- (a) by leasing a facility in an unsafe condition;
- (b) by failing to maintain the floor in a safe condition;
- (c) by failing to repair the broken floor;
- (d) by failing to inspect their property on a regular basis;
- (e) by failing to warn patrons of the unsafe and hazardous condition;
- (f) by failing to correct the damage to the floor;;

(g) In failing to exercise the degree of care that a reasonable person would have under the same or similar circumstances; and such other particulars as will be learned through discovery and proven at trial.

21. These careless, reckless, negligent, grossly negligent, and negligent per se actions and omissions by Defendants and their employees directly and proximately caused injuries and damages to Bobby L. Graham.

WHEREFORE, the Plaintiff prays unto this Honorable Court for judgment in its favor:

1. For an order awarding the Plaintiff actual damages in an amount that the jury deems to be just, fit, and proper; for damages to her person; humiliation, pain and suffering; continuing physical pain; loss of unrestricted mobility due to the lasting effects of the injuries from her fall;
2. For an award of any punitive damages against all non-governmental Defendants that the jury deems to be just, fit, and proper;

3. For an award of costs, disbursements, and attorney's fees associated with the bringing and maintaining of this action; and
4. For any other relief as the Court deems just, fit, and proper.

Respectfully submitted,

YOUNG & WARR, LLC.

S/Lewis H. Warr

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